

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN L. BALLARD,

Plaintiff,

vs.

TAGGERT BOYD, et al.,

Defendants.

4:20CV3046

**MEMORANDUM
AND ORDER**

Plaintiff has filed a Motion (Filing 23) seeking the appointment of counsel. The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” *Id.* Having considered these factors, the request for the appointment of counsel will be denied without prejudice to reassertion.¹

IT IS THEREFORE ORDERED that: Plaintiff’s Motion to Appoint Counsel (Filing 23) is denied without prejudice to reassertion.

Dated this 15th day of October, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge

¹ Plaintiff states that the case “is set for a hearing on November 9th.” This is incorrect. November 9th is the date by which Defendants must respond to Plaintiff’s Amended Complaint, by filing a motion or answer. (See Filing 22.) Approximately 30 days after the last Defendant has answered, the court will enter a progression order and discovery can begin. *See* General Order No. 2020-01 (Filing 5.)